

Defined terms: "Break" § 6-201

"Dwelling" § 6-201

"Enter" § 6-201

"Person" § 1-101

6-205. BURGLARY IN THE FOURTH DEGREE.

(A) PROHIBITED — BREAKING AND ENTERING DWELLING.

A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF ANOTHER.

(B) SAME — BREAKING AND ENTERING STOREHOUSE.

A PERSON MAY NOT BREAK AND ENTER THE STOREHOUSE OF ANOTHER.

(C) SAME — BEING IN OR ON DWELLING, STOREHOUSE, OR ENVIRONS.

A PERSON, WITH THE INTENT TO COMMIT THEFT, MAY NOT BE IN OR ON:

(1) THE DWELLING OR STOREHOUSE OF ANOTHER; OR

(2) A YARD, GARDEN, OR OTHER AREA BELONGING TO THE DWELLING OR STOREHOUSE OF ANOTHER.

(D) SAME — POSSESSION OF BURGLAR'S TOOL.

A PERSON MAY NOT POSSESS A BURGLAR'S TOOL WITH THE INTENT TO USE OR ALLOW THE USE OF THE BURGLAR'S TOOL IN THE COMMISSION OF A VIOLATION OF THIS SUBTITLE.

(E) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF BURGLARY IN THE FOURTH DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS.

(F) CONVICTION OF THEFT.

A PERSON WHO IS CONVICTED OF VIOLATING § 7-104 OF THIS ARTICLE MAY NOT ALSO BE CONVICTED OF VIOLATING SUBSECTION (C) OF THIS SECTION BASED ON THE ACT ESTABLISHING THE VIOLATION OF § 7-104 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 32.

In subsection (f) of this section, the former reference to "acts" is deleted in light of Art. 1, § 8, which provides that the singular includes the plural.

Defined terms: "Break" § 6-201

"Burglar's tool" § 6-201

"Dwelling" § 6-201

"Enter" § 6-201

"Person" § 1-101

"Storehouse" § 6-201